BEFORE THE UTAH SOLID AND HAZARDOUS WASTE CONTROL BOARD

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In the Matter of:	:	**NOTICE OF VIOLATION**
Deseret Chemical Depot	:	**COMPLIANCE ORDER**
Deseret Chemical Depot, Tooele County, Utah	:	
UT5210090002	:	No. 0712032

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This **NOTICE OF VIOLATION AND COMPLIANCE ORDER (NOV/CO)** is issued by the UTAH SOLID AND HAZARDOUS WASTE CONTROL BOARD (the Board) pursuant to the Utah Solid and Hazardous Waste Act (the Act), 19-6-101, et seq., Utah Code Annotated 1953, as amended (UCA). The Board has delegated to the Executive Secretary authority to issue such **NOTICES AND ORDERS** in accordance with 19-6-107(7) of the Utah Code and R315-12-2.2(a) of the Utah Administrative Code.

FINDINGS

1. The Deseret Chemical Depot (DCD) is a U.S. Army facility located in the State of Utah. The Chemical Agent Munitions Disposal System (CAMDS), the Tooele Chemical Agent Disposal Facility (TOCDF), and Storage Areas 2 and 10 are located at the DCD. The TOCDF is a Government Owned Contractor Operated (GOCO) facility operated by EG&G. The CAMDS Facility is being closed by the Tennessee Valley Authority (TVA).

2. The DCD, the CAMDS, and the TOCDF are each a "person" as defined in UCA 19-1-103(4) and are subject to all applicable provisions of the Utah Solid and Hazardous Waste Act and the Utah Administrative Code (the Rules).

3. The DCD, the CAMDS, and the TOCDF generate, treat, and store wastes defined as hazardous by R315-2 of the Rules. These wastes include, but are not limited to D001, D002, D003, D004, D005, D006, D007, D008, D011, F002, F003, F005, F999, and P999.

4. The DCD is permitted for storage of hazardous waste in containers and waste piles in buildings, and is subject to applicable generator requirements and a hazardous waste storage permit. The permit for DCD was issued to the United States Department of the Army, Deseret Chemical Depot.

5. The CAMDS has three permitted incinerators for the treatment of hazardous waste. Currently, the Metal Parts Furnace (MPF) is inactive. The Deactivation Furnace System (DFS) and Liquid Incinerator (LIC) are being closed. The CAMDS also had seven tank systems for the storage and treatment of hazardous waste, and several miscellaneous treatment units for the treatment of hazardous waste. The CAMDS is subject to applicable generator requirements and a hazardous waste storage and treatment permit. The permit for the CAMDS was issued to the United States Department of the Army, Deseret Chemical Depot.

6. The TOCDF has four incinerators for the treatment of hazardous waste, three tank systems for the storage and treatment of hazardous waste, several miscellaneous treatment units for the treatment of hazardous waste, and is subject to applicable generator requirements and a hazardous waste storage and treatment permit. The permit for the TOCDF was issued to the U.S. Army Chemical Materials Agency (Facility Owner, Facility Co-Permittee, Facility Co-Operator) and EG&G (Facility Co-Permittee, Facility Co-Operator).

7. Authorized inspectors of the Board conducted Compliance Evaluation Inspections (CEI) at the DCD, the CAMDS, and the TOCDF from October 2006 through September 2007. Additionally, the facilities submitted reports and letters documenting self-discovered non-compliances with their permits and other applicable rules. The following FINDINGS were documented at the DCD, the CAMDS, and the TOCDF during inspections and after review of the reports and notification letters identified above.

Deseret Chemical Depot

7.1 R315-8-9.4(a) of the Rules requires a container holding hazardous waste to always be closed, except when it is necessary to add or remove waste.

During the CEI at the DCD facility on September 6, 2007, DSHW inspectors documented one container, number A1305M525501, located in a permitted storage area that was not closed.

7.2 R315-50-1(a)(4) of the Rules requires generators to enter the four-digit EPA Hazardous Waste numbers assigned to the waste in the appropriate place on the hazardous waste manifest.

During the CEI at the DCD facility on September 4, 2007, DSHW inspectors reviewing hazardous waste manifests discovered a manifest that did not include all EPA Hazardous Waste numbers in Block 13 of the manifest for the waste described. Manifest number 000965523 contained seven numbers in Block 13. Three additional numbers that were not listed in Block 13 were listed on documents attached to the manifest.

7.3 Condition I.U.1. of the DCD Part B Permit requires the Permittee to orally report to the Executive Secretary any noncompliance with the Permit which may endanger human health or the environment not later than twenty four (24) hours from the time the Permittee becomes aware of the noncompliance.

The DCD reported in a letter dated August 7, 2007, (DSHW No. 07.02484) a failure to orally report a confirmed agent reading that occurred on July 26, 2007, at Igloo 1306.

7.4 Condition II.L.2. of the DCD Part B Permit requires the Permittee to maintain an accurate written operating record at the facility.

During the CEI at the DCD facility on September 6, 2007, DSHW inspectors documented four containers of hazardous waste in storage that were not on the inventory sheets for Buildings 1835 and 1825. The container numbers are: C7046O0513701, C7046O0521601, C7046O0516404, and F001RR406205.

7.5 Condition III.E.2. of the DCD Part B Permit requires the Permittee to manage containers of hazardous waste as specified in Attachment 12 to the Permit. Section 8.3 of Attachment 12 states that drip pans provide secondary containment for containerized hazardous wastes containing free liquids.

During an inspection of the DCD facility on October 15, 2007, a DSHW inspector documented two containers of liquid GA laboratory hazardous waste (C7085M0629201 and C7085M0722003) in Igloo 2606 that were not stored with secondary containment.

7.6 Condition III.E.5. of the DCD Part B Permit requires the Permittee to maintain proper aisle space as specified in R315-8-3.6 and Attachment 12 to the Permit.

During the CEI at the DCD facility on September 6, 2007, DSHW inspectors documented some aisles in Building 1835 that were not maintained at the required 30 inches. Inspectors documented aisles that were 21, 22, and 25 inches wide.

Chemical Agent Munitions Disposal System

7.7 R315-5-3.34 of the Rules [40 CFR 262.34] allows a generator of hazardous waste to accumulate hazardous waste onsite provided that the hazardous waste is placed in containers.

During an inspection of the CAMDS facility on November 20, 2006, a DSHW inspector documented hazardous waste that had not been placed into a container. In the Metal Parts Furnace 90-day area, the inspector documented ash on the floor and pallet outside the container used to collect this waste.

7.8 R315-5-3.34 of the Rules [40 CFR 262.34] allows a generator of hazardous waste to accumulate hazardous waste on site for 90 days or less without a permit.

During the CEI at the CAMDS facility on September 11, 2007, DSHW inspectors documented hazardous waste that was not in a permitted storage location and had been in storage for longer than 90 days. While inspecting the Deactivation Furnace Building it was documented that, although the DFS is being closed and the major portion of the kiln had been removed in 2005, hazardous waste in the form of treatment residue was observed in the remaining DFS equipment.

7.9 Condition II.H.1.i of the CAMDS Permit requires the permittee to maintain a written operating record that records a description and the quantity and location of each hazardous waste within the facility. Owners and operators are also required to record the results of inspections in the operating record.

(a) During an inspection of the CAMDS facility on January 30, 2007, DSHW inspectors documented several discrepancies in the operating record for permitted storage tanks located in the Brine Drying Area. The discrepancies documented were tanks that showed a negative volume of waste in storage, and incorrect or missing handling codes.

(b) During an inspection of the CAMDS facility on November 20, 2006, DSHW inspectors documented several discrepancies in the operating record for permitted storage areas. These discrepancies included waste that was not in the location indicated and could not be located during the inspection as well as waste that was located somewhere other than the location indicated in the operating record.

(c) During an inspection of the CAMDS facility on February 14, 2007, a DSHW inspector documented that the CAMDS had not accurately tracked the location of containers of hazardous waste while the waste was in storage. Inspectors documented that handwritten log sheets did not agree with electronic inventory sheets as to the number of containers in storage and the location of the containers of waste.

(d) During the CEI at the CAMDS facility on September 24, 2007, DSHW inspectors documented several inspection logs that had not been filled out completely at the time the inspections were performed. Operators failed to indicate on some logs the areas of the facility that were inspected and failed to sign the logs.

7.10 Condition III.E of the CAMDS Part B Permit requires a container holding hazardous waste to be stored in a manner that will not cause the container to rupture or leak.

During an inspection of permitted hazardous waste storage areas in Buildings 4104 and 4105 on March 22, 2007, a DSHW inspector documented that the lid of a plywood box containing hazardous waste had been crushed by the box stacked on top of it.

7.11 Condition I.L. of the CAMDS Part B Permit requires the Permittee to properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures.

(a) The CAMDS reported in a letter dated January 31, 2007, (DSHW No. 07.00443) a failure to follow certain procedures. On January 25, 2007, workers began the process of cutting up an agent tank whose surface had been decontaminated. This operation was taking place in the Residual Storage Area. During the operation, an agent alarm occurred and workers were evacuated from the area. During a review of the alarm, it was determined that the operation was not performed in compliance with the process operating procedures which were developed based on the results of a risk assessment.

(b) The CAMDS reported in a letter dated February 8, 2007, (DSHW No. 07.00513) a failure to follow certain procedures. On January 26, 2007, the DCD Information Technology group installed a software patch on the Oracle server. During the time the patch was being installed, the recording of operational data by the server was discontinued, resulting in the loss of some operational data for the Metal Parts Furnace which was incinerating waste at the time of the patch

installation. In September of 2006, the CAMDS had developed a procedure to prevent the loss of data during software and hardware upgrades. This procedure was not followed during this event.

(c) During inspections of the CAMDS facility on February 8, 2007, and on September 24, 2007, a DSHW inspector documented 13 occasions where the CAMDS had failed to follow quality assurance procedures by having a supervisor or quality control representative sign and date sample line test data sheets.

7.12 Condition II.C. of the Security Procedures Section of the CAMDS Part B Permit requires the Permittee to comply with security procedures contained in Attachment 4 to that Permit.

(a) During an inspection of the CAMDS facility on July 5, 2007, a DSHW inspector documented that the Explosives Treatment Facility Permitted Storage Area was not secured as required.

(b) During an inspection of the CAMDS facility on January 30, 2007, DSHW inspectors documented that a door into the Metal Parts Furnace permitted storage area was not secured as required.

7.13 Condition II.D.1. of the CAMDS Part B Permit requires the Permittee to follow the inspection procedures contained in Attachment 5 to that Permit.

During the CEI at the CAMDS facility on September 24, 2007, DSHW inspectors reviewed documentation that the sump in the Toxic Maintenance Facility was being inspected visually through an observation window. Inspectors observed the sump in the Toxic Maintenance Facility and determined that it could not be inspected through the observation window for cracks and physical damage because it was not possible to see the sump adequately.

7.14 Condition II.N.5. of the CAMDS Part B Permit requires that when the HVAC stack Near Real Time Monitor is offline for more than five instrument cycles, the DAAMS tubes monitoring the HVAC stack will be pulled and analyzed as soon as the Near Real Time Monitor is back online.

(a) The CAMDS reported in a letter dated March 26, 2007, (DSHW No. 07.01051) that on March 12, 2007, Monitoring Station 411 G/VX was off-line for more than five cycles but the technician did not pull the DAAMS tubes for analysis as required.

(b) The CAMDS reported in a letter dated April 16, 2007, (DSHW No. 07.01288) that on March 31, 2007, Monitoring Station 575 GB/VX was off-line for more than five cycles but the technician did not pull the DAAMS tubes for analysis as required.

(c) The CAMDS reported in a letter dated May 31, 2007, (DSHW No. 07.01752) that on May 24, 2007, Monitoring Station 550 H was off-line for more than five cycles but the technician did not pull the DAAMS tubes for analysis as required.

(d) The CAMDS reported in a letter dated August 7, 2007, (DSHW No. 07.02480) that on July 24, 2007, Monitoring Station 413 was off-line for more than five cycles but the technician did not pull the DAAMS tubes for analysis as required.

7.15 Condition V.A.4.d. of the CAMDS Part B Permit requires that the temperature of Zone Two of the primary chamber of the Metal Parts Furnace shall be maintained at or above 1258 ºF on an instantaneous basis.

The CAMDS reported in letters dated January 22, 23, and February 7, 2007, (DSHW Nos. 07.00334, 07.00337, 07.00516) that on January 10, 22, and 27, 2007, the temperature in Zone Two of the Metal Parts Furnace Primary Combustion Chamber dropped below the minimum required temperature.

7.16 Condition V.A.4.n. of the CAMDS Part B Permit requires the Permittee to maintain the clear liquor to the scrubber tower of the Metal Parts Furnace Pollution Abatement System at a pH of 9.44 or above on an hourly rolling average basis.

The CAMDS reported in a letter dated February 7, 2007, (DSHW No. 07.00516) that on January 27, 2007, the clear liquor pH for the Metal Parts Furnace Pollution Abatement System dropped below the minimum value required.

7.17 Attachment 3 to the CAMDS Part B Permit contains the CAMDS Site Laboratory and Monitoring Quality Control Plan. Section 8.0 of this plan requires all agent monitoring stations to be challenged daily.

The CAMDS reported in a letter dated October 18, 2006, (DSHW No. 06.03395) that on May 24, 2006, Monitoring Station 281 was not challenged as required.

7.18 Attachment 3 to the CAMDS Part B Permit contains the CAMDS Site Laboratory and Monitoring Quality Control Plan. Section 16.0 of this plan requires that all agent monitoring stations have their sample lines challenged every 60 (±5) days.

The CAMDS reported in a letter dated October 18, 2006, (DSHW No. 06.03398) that two monitoring stations, 428 and 429, were not challenged as required.

7.19 Attachment 3 to the CAMDS Part B Permit contains the CAMDS Site Laboratory and Monitoring Quality Control Plan. Section 14.6 of this plan requires the Permittee to challenge Near Real Time monitors at the hazard level.

During an inspection of the CAMDS facility on November 16, 2006, a DSHW inspector documented that for 15 days, the CAMDS had been using an incorrect challenge solution for the instrument monitoring the Metal Parts Furnace stack. Use of this incorrect solution resulted in the instrument not being challenged at the hazard level.

7.20 Attachment 3 to the CAMDS Part B Permit contains the CAMDS Site Laboratory and Monitoring Quality Control Plan. Section 4.0 of this plan requires the Permittee to monitor Category C areas with both Near Real Time monitors and DAAMS tubes.

The CAMDS reported in a letter dated February 9, 2007, (DSHW No. 07.00514) that on February 1, 2007, Near Real Time monitoring of the Bulk Item Facility was discontinued. However, monitoring personnel were not aware that ten drums of hazardous waste were being stored in the area. On February 6, 2007, monitoring was restored to the area when it was learned by monitoring personnel that waste was being stored in the area.

7.21 Attachment 3 to the CAMDS Part B Permit contains the CAMDS Site Laboratory and Monitoring Quality Control Plan. Section 4.3 of this plan requires the Permittee to document activities at perimeter monitoring stations in logbooks.

The CAMDS reported in a letter dated May 23, 2007, (DSHW No. 07.01672) a failure to document all monitoring activities in perimeter logbooks as required.

7.22 Attachment 3 to the CAMDS Part B Permit contains the CAMDS Site Laboratory and Monitoring Quality Control Plan. Section 16.0 of this plan requires that all agent monitoring stations have their sample lines challenged every 60 (±5) days.

The CAMDS reported in a letter dated September 11, 2007, (DSHW No. 07.02820) a failure to perform sample line challenges on four perimeter monitoring stations within the 60 (±5) days as required. The challenges were performed five days after the 65th day.

7.23 Attachment 3 to the CAMDS Part B Permit contains the CAMDS Site Laboratory and Monitoring Quality Control Plan. Section 16.0 of this plan requires that all agent monitoring stations have their sample lines challenged every 60 (±5) days.

During the CEI at the CAMDS facility on September 24, 2007, a DSHW inspector reviewing monitoring records documented 31 occasions where sample line challenges were either performed late or were missed completely. The inspector learned that challenges that had been missed completely had somehow been dropped from the schedule.

7.24 Attachment 3 to the CAMDS Part B Permit contains the CAMDS Site Laboratory and Monitoring Quality Control Plan. Section 16.0 of this plan requires that all agent monitoring stations have their sample lines challenged every 60 (±5) days.

During the CEI at the CAMDS facility on September 24, 2007, a DSHW inspector reviewing monitoring records documented that no sample line challenges had been performed for any of the ten Lewisite monitoring stations for at least one year.

7.25 Attachment 3 to the CAMDS Part B Permit contains the CAMDS Site Laboratory and Monitoring Quality Control Plan. Section 19.0 of this plan requires the Permittee to inspect the Uninterruptible Power Supply systems for perimeter monitoring stations on a daily basis and record the results of the inspections in the station logbooks.

During an inspection of the CAMDS facility and perimeter monitoring stations on June 11, 2007, a DSHW inspector documented five perimeter stations where operators had not documented the results of daily inspections of the Uninterruptible Power Supply systems as required. For each of the five stations inspected, there was only one inspection documented for the past year.

7.26 Attachment 3 to the CAMDS Part B Permit contains the CAMDS Site Laboratory and Monitoring Quality Control Plan. Section 17.0 of this plan requires the Permittee to change the NOx filters on the perimeter monitoring stations every 14 days.

During an inspection of the CAMDS facility and perimeter monitoring stations on June 11, 2007, a DSHW inspector documented four perimeter stations where operators had failed to change the NOx filters in accordance with the schedule. The filters were changed up to three days late. During the CEI at the CAMDS facility on September 24, 2007, a DSHW inspector reviewing monitoring documented an additional 49 occasions where operators failed to change the NOx filters according to schedule. The filters were changed up to 19 days late.

7.27 Attachment 3 to the CAMDS Part B Permit contains the CAMDS Site Laboratory and Monitoring Quality Control Plan. Section 7.2 of this plan requires the Permittee to obtain approval from the Executive Secretary prior to using any lot not listed in the permit for making multi-agent cocktails.

During an inspection of the CAMDS facility and perimeter monitoring stations on June 11, 2007, a DSHW inspector documented that the CAMDS had been using cocktail standards for challenging multi-agent monitors that had been made from agent lots that had not been approved by the Executive Secretary. CAMDS personnel indicated that they had been doing this since January 2007.

7.28 Attachment 3 to the CAMDS Part B Permit contains the CAMDS Site Laboratory and Monitoring Quality Control Plan. Section 11.0 of this plan requires all records to be legible and accurate.

During an inspection of the CAMDS facility on February 8, 2007, a DSHW inspector documented that on June 1, 2006, an operator incorrectly documented the changing of V to G conversion pad on Station 184VX by entering the information regarding the change in the logbook for Station 162VX.

7.29 Attachment 3 to the CAMDS Part B Permit contains the CAMDS Site Laboratory and Monitoring Quality Control Plan. Section 14.0 of this plan requires the Permittee to bracket sample line challenge samples with quality control samples before and after analyzing the samples.

During an inspection of the CAMDS facility on February 8, 2007, a DSHW inspector documented that the laboratory had failed on several occasions to bracket sample line challenges as required.

7.30 Attachment 3 to the CAMDS Part B Permit contains the CAMDS Site Laboratory and Monitoring Quality Control Plan. Section 11.2 of this plan requires the Permittee to record the start flow information on chain-of-custody tags for DAAMS tubes.

During an inspection of the CAMDS facility on February 8, 2007, a DSHW inspector documented that on February 8, 2007, an operator failed to complete the chain-of-custody tag for DAAMS tubes on Station 155 GB/VX by failing to record the start flow information as required. During an audit of the CAMDS laboratory on September 24 and 25, 2007, DSHW inspectors also documented an occasion where an operator failed, on March 7, 2007, to record the start flow information for Station 1735.

7.31 Attachment 3 to the CAMDS Part B Permit contains the CAMDS Site Laboratory and Monitoring Quality Control Plan. Section 16.0 of this plan requires the Permittee to re-challenge sample lines immediately when challenges fail.

During an inspection of the CAMDS facility on February 8, 2007, a DSHW inspector documented eight occasions where DAAMS station line challenges failed but the lines were not immediately re-challenged as required. Inspectors documented that the sample lines were not re-challenged until the next time the challenge was required.

7.32 Attachment 3 to the CAMDS Part B Permit contains the CAMDS Site Laboratory and Monitoring Quality Control Plan. This plan contains procedures for documenting corrections to data and corrective actions taken.

During an audit of the CAMDS laboratory on September 24 and 25, 2007, DSHW inspectors documented several failures to follow proper documentation procedures. DSHW inspectors identified failures to document corrections to data with single line cross outs and initials. CAMDS personnel also failed to document corrective actions on reports.

7.33 Attachment 3 to the CAMDS Part B Permit contains the CAMDS Site Laboratory and Monitoring Quality Control Plan. Section 16.0 of this plan details how sample line tests are to be documented.

During the CEI at the CAMDS facility on September 24, 2007, a DSHW inspector documented that on September 19, 2007, a monitoring technician conducting a sample line test on Station 905 failed to document whether the leak test had passed or failed and whether the restriction had passed or failed.

7.34 Attachment 3 to the CAMDS Part B Permit contains the CAMDS Site Laboratory and Monitoring Quality Control Plan. Section 8.0 of this plan requires the Permittee to perform a successful sample line challenge once every 24 hours.

During the CEI at the CAMDS facility on September 24, 2007, a DSHW inspector documented that on May 2 and May 7, 2007, monitoring technicians failed to get a passing line challenge on Near Real Time monitoring Station 281G. When the line challenges failed, the line was not re-challenged and repaired as necessary to achieve a successful challenge until the next time the line was challenged 16 to 20 hours later.

7.35 Attachment 3 to the CAMDS Part B Permit contains the CAMDS Site Laboratory and Monitoring Quality Control Plan. Section 4.3.1 of this plan requires the Permittee to monitor the GA and Lewisite igloos at least twice weekly.

During the CEI at the CAMDS facility on September 24, 2007, a DSHW inspector reviewing monitoring records documented several occasions where the Igloos containing GA and Lewisite were not monitored at least twice weekly as required. During the week of June 19 to June 24, 2007, one Lewisite igloo was not monitored twice. During the week of July 29 to August 4, 2007, one Lewisite igloo was never monitored and the other was only monitored once. During the week of September 16 to September 22, 2007, the GA igloo and one of the Lewisite igloos were only monitored once.

7.36 Attachment 3 to the CAMDS Part B Permit contains the CAMDS Site Laboratory and Monitoring Quality Control Plan. Appendix B to this plan specifies procedures that the Permittee is required to follow.

During the CEI at the CAMDS facility on September 24, 2007, a DSHW inspector documented that the incorrect versions of nine Appendix B procedures were being used by employees at the facility.

7.37 Attachment 12 to the CAMDS Part B Permit lists the storage areas permitted for the storage of hazardous waste by the CAMDS facility.

During an inspection of Building 4104, a permitted hazardous waste storage area, on August 21, 2007, a DSHW inspector documented seven roll-off boxes containing hazardous waste that had been returned to the facility by a commercial treatment, storage and disposal facility. These seven containers had not been placed back into the permitted storage area as required but were on the side of the street outside Building 4104. The boxes remained in this location from July 30, 2007, to August 21, 2007.

7.38 Attachment 16 to the CAMDS Part B Permit contains The CAMDS Site Monitoring Plan. Section 10.0 of this plan requires all monitoring to be working properly (operating in-control) when processing is taking place in a given area of the facility.

The CAMDS reported in a letter dated November 16, 2006, (DSHW No. 06.03752) that on November 15, 2006, all Near Real Time monitors associated with the Metal Parts Furnace were off-line because personnel working on the Liquid Incinerator closure had shut off the instrument air. Waste was being processed in the incinerator at the time.

7.39 Attachment 16 to the CAMDS Part B Permit contains The CAMDS Site Monitoring Plan. Section 6.0 of this plan requires continuous monitoring of the Metal Parts Furnace stack.

The CAMDS reported in a letter dated November 28, 2006, (DSHW No. 06.03755) that on November 27, 2006, the monitors at Station 15, which monitors the Metal Parts Furnace stack, were off-line for approximately 40 minutes.

7.40 Attachment 16 to the CAMDS Part B Permit contains The CAMDS Site Monitoring Plan. Section 13.0 of this plan requires the Permittee to submit to the Executive Secretary a copy of the Monthly Site Monitoring Plan each month.

The CAMDS reported in a memo received by the DSHW on February 13, 2007, dated February 6, 2007, (DSHW No. 07.00579) the failure to submit the Monthly Site Monitoring Plan for January 2007.

7.41 Attachment 16 to the CAMDS Part B Permit contains The CAMDS Site Monitoring Plan. Section 8.0 of this plan requires the Permittee to sound the site masking alarm anytime the HVAC Filter Stack Near Real Time monitor goes into alarm.

During an inspection of the CAMDS facility on February 14, 2007, a DSHW inspector documented that on January 25, 2007, and again on February 14, 2007, agent alarms occurred at the facility but the site masking alarm was not sounded.

Tooele Chemical Agent Disposal Facility

7.42 R315-3-4.3 of the Rules [40 CFR 270.42] requires a permittee to send notice of Class 1 permit modifications to all persons on the facility mailing list within 90 calendar days after the change is put into effect.

The TOCDF reported in a letter dated December 12, 2006, (DSHW No. 06.03969) that on December 1, 2006, it was discovered that a notification of Class 1 permit modification request had not been sent to persons on the facility mailing list within 90 days. The notice was sent 102 days after the change was put into effect.

7.43 R315-5-3.34 of the Rules [40 CFR 262.34] allows a generator of hazardous waste to accumulate hazardous waste on site, provided that the hazardous waste is placed into labeled and dated containers.

During an inspection of the TOCDF facility on July 31, 2007, a DSHW inspector documented hazardous waste that had not been placed into a labeled and dated container. Solid brine residue was observed on an absorbent pad in the Deactivation Furnace Pollution Abatement System area.

7.44 R315-5-3.34 of the Rules [40 CFR 262.34] allows a generator to accumulate as much as 55 gallons of hazardous waste in a container at or near the point of generation where wastes initially accumulate, and under the control of the operator generating the waste.

During the CEI at the TOCDF facility on September 17, 2007, DSHW inspectors documented the presence of a satellite storage location in the 90-day storage area of Building S-1. The satellite is not at or near the point of generation where wastes initially accumulate or under the control of the operator of the process generating the waste.

7.45 Condition II.I.1.a of the TOCDF Part B Permit requires the owner or operator to record in the facility operating record the date that waste is placed into storage.

During an inspection of the TOCDF facility on February 13, 2007, a DSHW inspector documented that on November 10, 2006, ton container number D-46639 was punched and an attempt was made to drain the container to the permitted level for incinerating in the Metal Parts Furnace. The attempt was unsuccessful and the container was placed into storage in the Buffer Storage Area. However, operators failed to record the date that the container was placed in the First Floor Buffer Storage Area in the operating record.

7.46 Condition 16.6.4 in Attachment 16 of the Part B Permit and R315-8-10 of the Rules require secondary containment vaults for tank systems to be provided with an impermeable interior coating that will prevent migration of waste into the concrete.

During an inspection of the TOCDF facility on July 27, 2007, a DSHW inspector documented that the secondary containment for the brine tanks was not capable of preventing the migration of waste into the concrete. Facility documents indicated that repair of the coating had been scheduled for April of 2007. Inspection logs between April 10 and April 26, 2007 seem to indicate that some type of repair was done but the work order was never closed. Inspection logs after April 26, 2007 indicate unsatisfactory conditions again. Repairs were not made until approximately August 1, 2007.

7.47 Condition I.M.1. of the TOCDF Part B Permit requires the Permittee to properly operate and maintain all facilities and systems of treatment and control which are installed or used by the Permittee to achieve compliance with the conditions of the permit including following Permittee-approved Standard Operating Procedures which affect the management of hazardous waste

On October 15, 2007, DSHW staff learned that workers were not following the procedures in TE-SOP-109 for monitoring of toxic area entrants following decontamination at the time of egress from a toxic area. Specifically, entrants were not properly following the procedure for quadrant monitoring.

7.48 Condition II.C.1. of the TOCDF Part B Permit requires the Permittee to follow the procedures of Attachment 2 which contains the facility Waste Analysis Plan. This plan prohibits the consecutive feeding of trays of miscellaneous waste containing more than 16 lbs of paper, cloth, pads, pillows and spill absorbents. At least a one zone space must be maintained in the Metal Parts Furnace between trays of miscellaneous waste loaded with more than 16 lbs of the materials listed above.

(a) The TOCDF reported in a letter dated May 21, 2007, (DSHW No. 07.01585) that on May 11, 2007, a tray of miscellaneous waste containing more than 16 lbs of paper, cloth, pads, pillows and spill absorbents was consecutively fed to the Metal Parts Furnace.

(b) During an inspection of the TOCDF facility on March 26, 2007, a DSHW inspector documented six occasions where operators failed to place in the facility operating record, a detailed description of miscellaneous or secondary waste placed on burn trays to be incinerated in the Metal Parts Furnace.

(c) During an audit of the TOCDF Chemical Assessment Laboratory on September 18 and 19, 2007, DSHW inspectors documented that the Mercury

Spike Standard being used, ID:154-106-3, had expired in July 2007 and was no longer valid. On September 20, 2007, the Chemical Assessment Laboratory began using a new standard.

(d) During an audit of the TOCDF Chemical Assessment Laboratory on September 18 and 19, 2007, DSHW inspectors documented two occasions where incorrect lot numbers were being used. 1) A multi-element spike was incorrectly identified in laboratory documents for approximately one month. The lot number incorrectly identified in the laboratory documents was B6075072-1. The correct number was B6075072-1A. The error was corrected at the time of the audit. 2) Inspectors documented a lot number that was inconsistent with the Certificate of Analysis. The lot number incorrectly identified was B6075072-3. The correct number was B6075072-1A.

7.49 Condition II.E.1. of the TOCDF Part B Permit requires the Permittee to follow the Facility Inspection Plan contained in Attachment 5. This plan requires the Permittee to monitor the air inside of an On-site Container that has been in storage for seven days on the seventh day for the presence of chemical agent.

The TOCDF reported in a letter dated February 28, 2007, (DSHW No. 07.00815) that on February 18, 2007, it was discovered that On-site Container Number 113 was not monitored for agent on the seventh day that it was in storage.

7.50 Condition V.A.4.a. of the TOCDF Part B Permit requires the Permittee to maintain, calibrate, and operate monitoring, control, and recording equipment while incinerating hazardous waste.

(a) The TOCDF reported in a letter dated June 19, 2007, (DSHW No. 07.01888) that on May 30, 2007, an Automatic Waste Feed Cut-Off Instrument associated with the Metal Parts Furnace was off-line while waste was being incinerated.

(b) The TOCDF reported in a letter dated June 25, 2007, (DSHW No. 07.01943) that the set points for common stack ACAMS Automatic Waste Feed Cut-Off were changed from the set points required by the Permit while the TOCDF was implementing new site masking requirements. Waste was incinerated in the Metal Parts Furnace prior to the set points being changed back to those required by the TOCDF Part B Permit.

7.51 Condition VI.A.4.a.ii. of the TOCDF Part B Permit requires the Permittee to provide monitoring of CO at all times during waste feed to the incinerator.

The TOCDF reported in a letter dated November 13, 2006, (DSHW No. 06.03604) four occasions where waste was being fed to the Liquid Incinerator Number 2 while both CO analyzers were either off-line or not operating.

7.52 Condition VI.C.1.b.i.m. of the TOCDF Part B Permit requires the Permittee to maintain clean liquor flow to the scrubber tower at or above 400 gallons per minute, over a one-hour rolling average.

The TOCDF reported in a letter dated December 6, 2006, (DSHW No. 06.03842) that on November 23, 2006, the Pollution Abatement System Clean Liquor Flow Indicating Transmitter for the Metal Parts Furnace was removed from service while waste was being incinerated.

7.53 Condition VI.C.1.b.i.o. of the TOCDF Part B Permit requires the Permittee to maintain Quench brine feed to the venturi scrubber at or above 85 gallons per minute, over a one-hour rolling average.

The TOCDF reported in a letter dated December 6, 2006, (DSHW No. 06.03842) that on November 23, 2006, the Quench Brine Flow Indicating Transmitter for the Metal Parts Furnace was removed from service while waste was being incinerated.

7.54 Attachment 22 to the TOCDF Part B Permit contains the facility Agent Monitoring Plan. Paragraph 22.8.1.3 of this plan requires continuous monitoring of the CAL HVAC stack.

The TOCDF reported in a letter dated October 31, 2006, (DSHW No. 06.03483) that on October 13, 2006, it was determined that the sample hose for ACAMS/DAAMS Station CAL 951H had pulled loose from the Chemical Assessment Laboratory HVAC stack resulting in no monitoring of the exhaust stream for over eight hours.

DETERMINATION OF VIOLATIONS

Based on the foregoing FINDINGS, the DCD, the CAMDS, and the TOCDF have violated provisions of the Rules applicable to their facilities and conditions of their Permits. Specifically, the following rules and permit conditions have been violated:

1. R315-3-4.3 of the Rules [40 CFR 270.42] by failing to send notice of Class 1 permit modifications to persons on the facility mailing list. See Finding 7.42.

2. R315-5-3.34 of the Rules [40 CFR 262.34] by storing hazardous waste for more than 90 days without a permit, by failing on more than one occasion to place hazardous waste into labeled and dated containers, and by storing waste in a satellite storage container that does not meet the criteria for satellite storage. See Findings 7.7, 7.8, 7.43, and 7.44.

3. R315-8-9.4(a) of the Rules by failing to keep containers of hazardous waste closed when not adding or removing waste from the containers. See Finding 7.1.

4. R315-50-1(a)(4) of the Rules by failing to enter all the four-digit EPA Hazardous Waste numbers assigned to a specific waste in the appropriate place on the hazardous waste manifest. See Finding 7.2.

5. Condition I.U.1. of the DCD Part B Permit by failing to orally report a confirmed agent reading. See Finding 7.3

6. Condition II.L.2. of the DCD Part B Permit by failing to maintain an accurate written operating record. See Finding 7.4

7. Condition III.E.2. of the DCD Part B Permit by failing to manage containers of hazardous waste with secondary containment. See Finding 7.5.

8. Condition III.E.5. of the DCD Part B Permit by failing to maintain proper aisle space in permitted storage areas. See Finding 7.6

9. Condition I.L. of the CAMDS Part B Permit by failing on multiple occasions to properly operate and maintain all facilities and systems used by the Permittee to achieve compliance with the permit. See Finding 7.11.

10. Condition II.C. of the CAMDS Part B Permit by failing to ensure that permitted storage areas were secured. See Finding 7.12.

11. Condition II.D.1. of the CAMDS Part B Permit by failing to follow inspection procedures. See Finding 7.13.

12. Condition II.H.1.i of the CAMDS Part B Permit by failing to keep a written operating record that records descriptions, quantities and locations of each hazardous waste in storage, and by failing to record the results of inspections in the operating record. See Findings 7.9.

13. Condition II.N.5. of the CAMDS Part B Permit by failing to pull and analyze DAAMS tubes monitoring the HVAC stack when the Near Real Time monitor has been off-line for more than five cycles. See Finding 7.14.

14. Condition III.E. of the CAMDS Part B Permit by failing to store containers of hazardous waste in a manner that will not cause them to rupture or leak. See Finding 7.10.

15. Condition V.A.4.d. of the CAMDS Part B Permit by failing to maintain the temperature in the Metal Parts Furnace primary chamber at permit levels. See Finding 7.15.

16. Condition V.A.4.n. of the CAMDS Part B Permit by failing to maintain the pH of the clear liquor to the scrubber tower at permit levels. See Finding 7.16.

17. Section 8.0 of Attachment 3 to the CAMDS Part B Permit by failing to challenge all agent monitoring stations daily and by failing to perform successful sample line challenges once every 24 hours. See Findings 7.17 and 7.35.

18. Section 16.0 of Attachment 3 to the CAMDS Part B Permit by failing to challenge all agent monitoring station sample lines every 60 (± 5) days, by failing to re-challenge sample lines immediately when challenges fail, and by failing to properly document sample line tests. See Findings 7.18, 7.22, 7.23, 7.24, 7.31, 7.33 and 7.34.

19. Section 14.6 of Attachment 3 to the CAMDS Part B Permit by failing to challenge Near Real Time monitors at the hazard level. See Finding 7.19.

20. Section 4.0 of Attachment 3 to the CAMDS Part B Permit by failing to monitor Category C areas with both Near Real Time monitors and DAAMS tubes. See Finding 7.20.

21. Section 4.3 of Attachment 3 to the CAMDS Part B Permit by failing to document activities at perimeter monitoring stations in station log books. See Finding 7.21.

22. Section 19.0 of Attachment 3 to the CAMDS Part B Permit by failing to record the results of daily inspections of the Uninterruptible Power Supplies associated with five perimeter monitoring stations in the station log books for at least one year. See Finding 7.25.

23. Section 17.0 of Attachment 3 to the CAMDS Part B Permit by failing on 53 occasions to replace the NOx filters on perimeter monitoring stations in accordance with the permitted schedule. See Finding 7.26.

24. Section 7.2 of Attachment 3 to the CAMDS Part B Permit by using agent lots not approved by the Executive Secretary to make multi-agent cocktails for challenging agent monitors since January of 2007. See Finding 7.27.

25. Section 11.0 of Attachment 3 to the CAMDS Part B Permit by not keeping monitoring records accurate and legible. See Finding 7.28.

26. Section 14.0 of Attachment 3 to the CAMDS Part B Permit by failing to consistently run quality control samples on instruments as required. See Finding 7.29.

27. Section 11.2 of Attachment 3 to the CAMDS Part B Permit by failing to record the start flow information on chain-of-custody tags for DAAMS tubes. See Finding 7.30.

28. Documentation procedures contained in Attachment 3 to the CAMDS Part B Permit by failing to correctly document corrections to data and by failing to document corrective actions taken. See Finding 7.32.

29. Section 4.3.1. of Attachment 3 to the CAMDS Part B Permit by failing on multiple occasions to monitor the GA and Lewisite igloos at least twice weekly. See Finding 7.35.

30. Appendix B of Attachment 3 to the CAMDS Part B Permit by using the incorrect versions of nine procedures. See Findings 7.36.

31. Attachment 12 to the CAMDS Part B Permit by failing to store hazardous waste in one of the permitted storage areas listed in this attachment. See Finding 7.37.

32. Section 10.0 of Attachment 16 to the CAMDS Part B Permit by failing to ensure that all monitoring systems were operating and in control while processing hazardous waste. See Finding 7.38.

33. Section 6.0 of Attachment 16 to the CAMDS Part B Permit by failing to have continuous monitoring of the Metal Parts Furnace stack. See Finding 7.39.

34. Section 13.0 of Attachment 16 to the CAMDS Part B Permit by failing on one occasion to submit a copy of the Monthly Site Monitoring Plan to the Executive Secretary. See Finding 7.40.

35. Section 8.0 of Attachment 16 to the CAMDS Part B Permit by failing to sound the site masking alarm when required. See Finding 7.41.

36. Condition I.M.1. of the TOCDF Part B Permit by not following procedures for monitoring of toxic area entrants following decontamination while exiting toxic areas. See Finding 7.47.

37. Condition II.C.1. of the TOCDF Part B Permit by improperly feeding miscellaneous waste to the Metal Parts Furnace, by failing to record detailed descriptions of miscellaneous waste in the facility operating record, by using an expired mercury spike standard, and by using incorrect lot numbers on documents tracking agent standards. See Finding 7.48.

38. Condition II.E.1. of the TOCDF Part B Permit by failing to follow the facility inspection plan. See Finding 7.49.

39. Condition II.I.1.a of the TOCDF Part B Permit by failing to keep a written operating record that records the date that hazardous waste is placed in storage. See Finding 7.45.

40. Condition V.A.4.a. of the TOCDF Part B Permit by failing to properly operate and maintain waste feed cut-off instruments while incinerating waste. See Finding 7.50.

41. Condition VI.A.4.a.ii. of the TOCDF Part B Permit by failing to monitor for CO at all times during waste feed. See Finding 7.51.

42. Condition VI.C.1.b.i.m. of the TOCDF Part B Permit by failing to maintain clean liquor flow to the scrubber tower at or above the permit limit. See Finding 7.52.

43. Condition VI.C.1.b.i.o. of the TOCDF Part B Permit by failing to maintain quench brine feed to the venture scrubber at or above the permit limit. See Finding 7.53.

44. Paragraph 16.6.4 of Attachment 16 to the TOCDF Part B Permit by failing to maintain the interior coating of a secondary containment vault so that it will prevent migration of waste into the concrete. See Finding 7.46.

45. Paragraph 22.8.1.3. of Attachment 22 to the TOCDF Part B Permit by failing to maintain continuous monitoring of the HVAC stack on the Chemical Assessment Laboratory. See Finding 7.54.

ORDER

Based on the foregoing FINDINGS AND VIOLATIONS and pursuant to Sections 19-6-107 and 112 of the Utah Code Annotated, the DCD, the CAMDS, and the TOCDF are hereby ORDERED TO:

1. Immediately initiate all actions necessary to achieve total compliance with all applicable provisions of the Utah Administrative Code.

2. Notify this office in writing on or before February 25, 2008, of the facilities' intent to comply with this **ORDER**, and indicate how compliance is to be achieved.

3. Within 60 days of the receipt of this NOV/CO, submit to the Executive Secretary all responses to the findings in this NOV/CO.

COMPLIANCE, OPPORTUNITY FOR HEARING

This **NOTICE OF VIOLATION AND COMPLIANCE ORDER (NOV/CO)** is effective immediately and shall become final unless contested by DCD, CAMDS, and TOCDF

within thirty (30) days pursuant to R315-12-2.2(b) of the Rules. Section 19-6-113 of the Utah Code Annotated also provides that violators of the Solid and Hazardous Waste Act or any order, plan, rule or other requirement issued thereunder may be subject to a civil penalty of up to thirteen thousand ($13,000) dollars per day for each day of violation.

Dated this _____ day of_____, 2008

Original Documents signed by Dennis R. Downs on 2/4/08

By:_____
Dennis R. Downs, Executive Secretary
Utah Solid and Hazardous Waste Control Board